

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5100 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
  2. To be referred to the Reporter or not?
  3. Whether Their Lordships wish to see the fair copy of the judgement?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge?

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PAMAN NANDLAL SEJWANI(SINDHI)

Versus

COMMISSIONER OF POLICE FOR

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Appearance:

MR ANIL S DAVE for Petitioner

Mr K M Mehta, AGP for Respondent No. 1, 2, 3

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CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 04/11/96

ORAL JUDGEMENT

By the impugned order of detention dated 3.7.1996 passed by the Commissioner of Police, Ahmedabad City, the petitioner has been detained under the Prevention of Anti-Social Activities Act, 1985 (for short 'the Act'). it is alleged that the petitioner is a bootlegger and the case has been registered against him for the offences under the provisions of Bombay Prohibition Act, 1949. This application is being opposed by Mr K M Mehta, learned AGP on the ground that large quantity of country

liquor has been recovered from the petitioner. The learned Advocate for the petitioner Ms. Banna Bhatt submits that in the case of Piyush v. Commissioner of Police, Ahmedabad, reported in AIR 1989 SC 419, the Court held that merely because the detenu is a bootlegger cannot be sufficient ground to detain him unless it is shown that his activities as a bootlegger has affected adversely or likely to affect adversely maintenance of public order.

2. I have gone through the materials on record with the assistance of the learned Advocates. There is nothing on record to indicate that the petitioner has indulged in activities as bootlegger has affected adversely or likely to affect adversely maintenance of public order. Thus the order of detention cannot be sustained.

3. In view of the aforesaid, this Special Civil Application is allowed. The order of detention dated 3.7.1996 is quashed and set aside and direct that the detenu be set at liberty forthwith unless required for any other cases.

Rule made absolute accordingly.

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